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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,078	12/23/2003	Anton Juranko	TORQ_S_A.IDC	8106
7590	02/17/2005		EXAMINER	
R.F. Gallagher 7420 Milner Dr. Colorado Springs, CO 80920			BINDA, GREGORY JOHN	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/743,078	JURANKO, ANTON
	Examiner Greg Binda	Art Unit 3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 December 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: ____                                     |

*Drawings*

1. The drawings are objected to because:
  - a. Inappropriate cross hatching patterns are used in the depiction of the rubber bushings 38, the steel bolt sleeves 42 and the steel bolt sleeves 44. See MPEP § 608.02 for the appropriate patterns.
  - b. The figures fail to show the sleeves 44 without crowding. The lead line for numeral 44 appears to just point to a narrow gap between the housing 26 and the rubber bushing 38.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

3. The disclosure is objected to because:
  - a. Page 5, line 6, the word "are" at the end of the line should be deleted.
  - b. Page 5, line 10 mentions "the bushing 26". It is not clear what that is supposed to mean.

*Claim Objections*

- 4: Claims 2-5 are objected to because:
  - a. Claim 2, line 3, "said bolt openings are" should be changed to "each of said bold openings is"
  - b. Claim 3, "the rubber bushings surround" should be changed to "each of the rubber bushings surrounds"
  - c. Claim 4, "the rubber bushings are surrounded by" should be changed to "each of the rubber bushings is surrounded"
  - d. Claim 5, "fly wheel" should be changed to "a flywheel"

*Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 2-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- a. Claim 2, line 2 recites the limitation "a housing". It is not clear if this housing is the same as, or different from the housing recited at claim 1, line 4.
  - b. Claim 5 recites the limitation, "the drive shaft and drive flange". There is insufficient antecedent basis for this limitation in the claim.

*Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Zeidler et al, US 4,188,802. Figs. 1 & 2 show a method of reducing peak torque loads caused by automatic gear shifting comprising the steps of: transmitting rotation power (see also "torque transmission" in col. 2, line 15) through a torque shock absorber 10 having a generally cylindrical housing (see also "a circular ring" in col. 4, line 32) adapted for attachment to a drive flange 17 of an IC engine on one cylindrical end and to a driven flange 19 on a driven shaft (see also "a second

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shaft" in col. 4, line 42) of a transmission on the other cylindrical end; so that peak torque loads transmitted through the torque shock absorber are reduced (see also "dampening" in col. 1, line 64). Fig. 2 shows the shock absorber comprises a plurality of peripherally spaced openings such that each opening includes: a bolt 16, 18; an external sleeve 12; a rubber bushings 14; and an internal sleeve 13. In col. 1, lines 15 & 16 the sleeves are disclosed as being made from steel.

9. Claims 1, 2 & 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaye, US 6,508,713. Figs. 1-5 show a method of reducing peak torque loads caused by automatic gear shifting comprising the steps of: transmitting rotation power through a torque shock absorber 10 having a generally cylindrical housing 14 adapted for attachment to a flywheel 12 turned by a crankshaft of an internal combustion engine (see also col. 1, line 9) on one cylindrical end and is adapted (as at the openings 16) for attachment to driven flange on a driven shaft of an automatic transmission (see also col. 1, line 9 and col. 6, line 6) on the other cylindrical end; so that peak torque loads transmitted through the torque shock absorber are reduced (see also "reducing the emission of torsional vibrations" in col. 4, lines 16 & 17). Figs. 1-5 show the shock absorber comprises a plurality of peripherally spaced openings such that each opening includes: a bolt 30, 32; an external sleeve 18, 20; a rubber bushings 22, 24; and an internal sleeve 34, 36.

*Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3 & 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaye. Kaye shows all the limitations of the claims but does not expressly disclose making the sleeves from steel. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the sleeves from steel, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

### *Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GREGORY J. BINDA  
PRIMARY EXAMINER